

## **201 KAR 45:140. Code of ethics.**

RELATES TO: KRS 309.331, 309.339

STATUTORY AUTHORITY: KRS 309.331

NECESSITY, FUNCTION AND CONFORMITY KRS 309.331(1) requires the board to promulgate a code of ethics for licensed diabetes educators. This administrative regulation establishes the required code of ethics.

Section 1. Responsibility to Patients. (1) A diabetes educator shall:

- (a) Provide services with respect for the uniqueness, dignity, and autonomy of each individual; and
  - (b) Advance and protect the welfare of the patient.
- (2) A diabetes educator shall not recommend the use of a specific product or service based solely on the educator's relationship with the manufacturer of the product or provider of the service.

Section 2. Confidentiality A diabetes educator shall respect and guard the confidences of each patient, maintaining all records according to state and federal law. (1) A diabetes educator shall not disclose a patient confidence except:

- (a) As mandated or permitted by law;
  - (b) If the diabetes educator is a defendant in a civil, criminal, or disciplinary action arising from services provided, confidences may be disclosed only in the course of that action; or
  - (c) If a waiver has been obtained in writing, confidential information shall be revealed only in accordance with the terms of the waiver.
- (2) A diabetes educator may use patient or clinical materials in teaching, writing, and public presentations if:
- (a) A written waiver has been obtained in accordance with subsection (1)(c) of this section;
- or
- (b) Appropriate steps have been taken to protect patient identity and confidentiality.

Section 3. Professional Competence and Integrity. A diabetes educator shall maintain standards of professional competence and integrity and hold himself or herself out in a manner that demonstrates honesty, integrity, and fairness and shall be subject to disciplinary action for:

- (1) Having been subject to disciplinary action by another regulatory agency;
- (2) Impairment due to mental incapacity or the abuse of substances which negatively impacts the practice of diabetes education;
- (3) Conviction, as used in KRS 309.339, of a felony or a misdemeanor;
- (4) Refusing to comply with an order or request from the board;
- (5) Failure to cooperate with the board by not:
  - (a) Furnishing in writing a complete explanation to a complaint filed with the board; or
  - (b) Appearing before the board at the time and place designated; or
- (6) Failure to provide the board with new contact information within thirty (30) business days the changes is effective.

Section 4. Supervisor's Responsibility. A supervisor shall not permit an apprentice diabetes educator under the supervisor's supervision to hold himself or herself out as competent to perform professional services beyond the apprentice's level of training, experience, and competence. A supervisor shall promptly notify the board in writing if an apprentice diabetes educator under the supervisor's supervision holds himself or herself out as competent to perform pro-

fessional services beyond the apprentice's level of training, experience, and competence.

Section 5. Diabetes Educator's Responsibility. A diabetes educator shall not represent that he or she is competent to perform professional services beyond his or her level of training, experience, and competence.

Section 6. Financial Arrangements. (1) A diabetes educator shall make financial arrangements with a patient, apprentice diabetes educator, or third party payor that are reasonably understandable and conform to accepted professional practices.

(2) A diabetes educator shall:

- (a) Not offer or accept payment for referrals;
- (b) Not charge excessive fees for services;
- (c) Disclose his or her fees to patients at the beginning of services; and
- (d) Represent facts truthfully to patients and third party payors regarding services rendered.

Section 7. Advertising. A diabetes educator shall:

(1) Accurately represent his or her education, training, and experience relevant to the practice of diabetes education;

(2) Not make false, fraudulent, misleading, or deceptive claims or any statement intended to or likely to create an unjustified expectation.

Section 8. Board Member Responsibilities. (1) A board member shall recuse himself or herself in matters in which:

(a) The board member is the supervisor of the apprentice diabetes educator at issue; and

(b) The board member will be providing a course in diabetes education pursuant to KRS 309.335(1)(b)1.

(2) A board member shall not receive compensation for providing a board-approved course in diabetes education pursuant to KRS 309.335(1)(b)1. that is excessive. (40 Ky.R. 191; 588; eff. 11-1-2013.)